

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN GARCIA,
JOSE ELIAS GARCIA, and
LEONARDO VARGAS-GONZALEZ,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

8:05CR94

ORDER
CONTINUING TRIAL

This matter is before the court on the MOTION TO CONTINUE TRIAL filed by Juan Garcia [240]. The case was previously continued from June 27, 2006 to July 11, 2006 due to defense counsel's scheduling conflicts. The court is advised that defense counsel also has a scheduling conflict for the July 11, 2006 date. For good cause shown, trial will be continued to the next available trial setting with which defense counsel has no known scheduling conflict, i.e., September 19, 2006.

IT IS ORDERED that the motion to continue trial [237] is granted, as follows:

1. Trial of this matter is continued from **July 11, 2006 to September 19, 2006** before Judge Laurie Smith Camp and a jury.

2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **July 11, 2006 and September 19, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defense counsel's scheduling conflicts, and considering the diligence of counsel. Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, be likely to make a continuation of such proceeding impossible, and/or result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Counsel for the United States shall confer with defense counsel and, no later than **September 12, 2006**, advise the court of the anticipated length of trial.

4. This order applies to defendants Juan Garcia, Jose Elias Garcia, and Leonardo Vargas-Gonzalez.

DATED June 14, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge